



Darren Earnshaw

Employee

813515

[Employee-related decision Date: 12 December 2023](#)

Decision - Employee-related decision

Outcome: Control of non-qualified staff (Section 43 / Section 99 order)

Outcome date: 12 December 2023

Published date: 1 February 2024

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: McCarthy Bennett Holland Solicitors LLP

Address(es): Wigan Investment Centre, Waterside Drive, Wigan, WN3 5BA

Firm ID: 810716

Firm or organisation at date of publication

Name: Taylor Rose MW

Address(es): 58 Borough High Street, London, SE1 1XF

Firm ID: 623604

Outcome details

This outcome was reached by SRA decision.

Decision details

Who does this decision relate to?

Darren Earnshaw of Widnes, Cheshire.

A person who is or was involved in a legal practice but is not a solicitor.

Summary of decision



The SRA has put restrictions on where and how Mr Earnshaw can work in an SRA regulated firm.

It was found that Mr Earnshaw, who is not a solicitor, was involved in a legal practice and has occasioned or been a party to an act or default which involved such conduct on his part that it is undesirable for him to be involved in a legal practice in any of the ways described in the order below.

The facts of the case

On 17 February 2020, Mr Earnshaw was employed by McCarthy Bennett Holland Solicitors LLP (the firm) as a senior legal adviser. He became a partner in the firm in January 2021.

In March 2020, Mr Earnshaw was appointed to act for a client who was a defendant in a litigation matter. He failed to comply with court directions including those which gave his client permission to rely on expert evidence. On 8 March 2022, the claimant was granted summary judgment against his client.

Mr Earnshaw did not notify his client about the claimant's application for summary judgment or about the summary judgment order until 1 April 2022. He did not notify the firm. It discovered what had happened when the order for summary judgment arrived at the firm in the post.

On 25 April 2022, the firm unsuccessfully applied for relief from the sanction imposed when Mr Earnshaw failed to comply with the court's directions. The firm's client instructed other solicitors to bring a claim for negligence against the firm.

On 9 May 2022, Mr Earnshaw was dismissed by the firm for gross misconduct.

It was found that Mr Earnshaw failed to act in his client's best interests or provide her with a proper standard of service. He also failed to notify her and the firm that because of his failure to progress her case summary judgment was entered against her.

Decision on outcome

An order pursuant to section 43(2) of the Solicitors Act 1974 was made as Mr Earnshaw's conduct meant that it was undesirable for him to be involved in a legal practice without the SRA's prior approval. The order pursuant to section 43 was made with effect 28 days from the date of the letter or email notifying Mr Earnshaw of this decision.

Mr Earnshaw's conduct was serious. His failure to act in his client's best interests or provide her with a proper standard of service, and his failure to notify his client and the firm of his conduct undermined the trust the

public held in him and in the delivery of legal services. Mr Earnshaw's conduct had a significant impact on his client and the firm who received a claim in negligence from the client.

Mr Earnshaw was also ordered to pay the SRA's costs of £600.

What our Section 43 order means

- i. no solicitor shall employ or remunerate him in connection with his/her practice as a solicitor;
- ii. no employee of a solicitor shall employ or remunerate him in connection with the solicitor's practice;
- iii. no recognised body shall employ or remunerate him;
- iv. no manager or employee of a recognised body shall employ or remunerate him in connection with the business of that body;
- v. no recognised body or manager or employee of such a body shall permit him to be a manager of the body; and
- vi. no recognised body or manager or employee of such a body shall permit him to have an interest in the body except in accordance with the SRA's prior written permission

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